

**[STAFF WORKING DRAFT]**

SEPTEMBER 17, 2002

107TH CONGRESS  
2D SESSION

**S. ———**

To provide for enhanced aviation security, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER —, 2002

Mr. ——— (for himself, Mr. ———, and Mr. ———  
) introduced the following bill; which was read twice and referred to the  
Committee on ———

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**A BILL**

To provide for enhanced aviation security, and for other  
purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Aviation Security Improvement Act”.

6 (b) AMENDMENT OF TITLE 49.—Except as otherwise  
7 expressly provided, whenever in this Act an amendment

1 or repeal is expressed in terms of an amendment to, or  
 2 a repeal of, a section or other provision, the reference shall  
 3 be considered to be made to a section or other provision  
 4 of title 49, United States Code.

## 5 **SEC. 2. TABLE OF CONTENTS.**

6 The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of title 49.

Sec. 2. Table of contents.

Title I—Explosive Detection Systems

Sec. 101. Explosive detection systems.

Title II—Air Cargo Security

Sec. 201. Inspection of cargo carried aboard passenger aircraft.

Sec. 202. Air cargo shipping.

Sec. 203. Cargo carried aboard passenger aircraft.

Sec. 204. Training program for cargo handlers.

Sec. 205. Cargo carried aboard all-cargo aircraft.

Title III—Passenger Identification

Sec. 301. Passenger identification.

Sec. 302. Passenger identification verification.

Title IV—Circumvention of Airport Security

Sec. 401. Prohibition on unauthorized circumvention of airport security systems  
and procedures.

Title V—War Risk Insurance

Sec. 501. War risk insurance for certain aircraft.

Title VI—Blast Resistant Cargo Container Technology

Sec. 601. Blast-resistant cargo container technology.

Title VII—Technical Corrections

Sec. 701. Technical corrections.

# 7 **TITLE I—EXPLOSIVE DETECTION** 8 **SYSTEMS**

## 9 **SEC. 101. EXPLOSIVE DETECTION SYSTEMS.**

10 Section 44901(d) is amended by adding at the  
 11 end the following:

12 “(2) FAILURE TO MEET DEADLINE.—

13 “(A) IN GENERAL.—If the Under Sec-  
 14 retary of Transportation for Security deter-  
 15 mines that the Transportation Security Admin-

1           istration is not able to deploy explosive detec-  
2           tion systems required to be deployed under  
3           paragraph (1) at all airports where explosive  
4           detection systems are required by December 31,  
5           2002, then with respect to each airport for  
6           which the Under Secretary makes that  
7           determination—

8                   “(i) the Under Secretary shall submit  
9                   to the Senate Committee on Commerce,  
10                  Science, and Transportation and the  
11                  House of Representatives Committee on  
12                  Transportation and Infrastructure a de-  
13                  tailed plan (which may be submitted in  
14                  classified form) for the deployment of the  
15                  number of explosive detection systems at  
16                  that airport necessary to meet the  
17                  requirements of paragraph (1) as soon as  
18                  practicable at that airport; and

19                   “(ii) the Under Secretary shall take  
20                   all necessary action to ensure that alter-  
21                   native means of screening all checked bag-  
22                   gage is implemented until the requirements  
23                   of paragraph (1) have been met.

24                   “(B) CRITERIA FOR DETERMINATION.—In  
25                  making a determination under subparagraph

1 (A), the Under Secretary shall take into  
2 account—

3 “(i) the nature and extent of the re-  
4 quired modifications to the airport’s ter-  
5 minal buildings, and the technical, engi-  
6 neering, design and construction issues;

7 “(ii) the need to ensure that such in-  
8 stallations and modifications are effective;  
9 and

10 “(iii) the feasibility and cost-effective-  
11 ness of deploying explosive detection sys-  
12 tems in the baggage sorting area or other  
13 non-public area rather than the lobby of an  
14 airport terminal building.

15 “(C) LIMITATION.—The Under Secretary  
16 may not make a determination under subpara-  
17 graph (A) in the case of more than 40 airports.

18 “(D) AIRPORT EFFORT REQUIRED.—Each  
19 airport with respect to which the Under Sec-  
20 retary makes a determination under subpara-  
21 graph (A) shall—

22 “(i) cooperate fully with the Trans-  
23 portation Security Administration with re-  
24 spect to screening checked baggage and

1 changes to accommodate explosive detec-  
2 tion systems; and

3 “(ii) make security projects a priority  
4 for the obligation or expenditure of funds  
5 made available under chapter 417 or 471  
6 until explosive detection systems required  
7 to be deployed under paragraph (1) have  
8 been deployed at that airport.

9 “(3) REPORTS.—

10 “(A) IN GENERAL.—Until the Transpor-  
11 tation Security Administration has met the re-  
12 quirements of paragraph (1), the Under Sec-  
13 retary shall submit a classified report every 30  
14 days after the date of enactment of the Aviation  
15 Security Improvement Act to the Senate Com-  
16 mittee on Commerce, Science, and Transpor-  
17 tation and the House of Representatives Com-  
18 mittee on Transportation and Infrastructure  
19 describing the progress made toward meeting  
20 such requirements at each airport.

21 “(B) LIMIT ON NUMBER OF REPORTS.—  
22 The Under Secretary shall submit reports for  
23 each airport until the requirements of para-  
24 graph (1) have been met, but may not submit  
25 more than 6 reports for any airport.”.

1   **TITLE II—AIR CARGO SECURITY**

2   **SEC. 201. INSPECTION OF CARGO CARRIED ABOARD PAS-**  
3                   **SENGER AIRCRAFT.**

4       Section 44901(f) is amended to read as follows:

5       “(f) CARGO.—

6               “(1) IN GENERAL.—The Under Secretary of  
7       Transportation for Security shall establish a system  
8       to screen, inspect, or otherwise ensure the security  
9       of all cargo that is to be transported in—

10               “(A) passenger aircraft operated by an air  
11       carrier or foreign air carrier in air transpor-  
12       tation or intrastate air transportation; or

13               “(B) all-cargo aircraft in air transpor-  
14       tation and intrastate air transportation.

15               “(2) STRATEGIC PLAN.—The Under Secretary  
16       shall develop a strategic plan to carry out paragraph  
17       (1).”.

18   **SEC. 202. AIR CARGO SHIPPING.**

19       (a) IN GENERAL.—Subchapter I of chapter 449, is  
20       amended by adding at the end the following:

21   **“§44921. Regular Inspections of air cargo shipping**  
22                   **facilities**

23       “The Under Secretary of Transportation for Security  
24       shall establish a system for the regular inspection of ship-  
25       ping facilities for shipments of cargo transported in air

1 transportation or intrastate air transportation to ensure  
2 that appropriate security controls, systems, and protocols  
3 are observed, and shall enter into such arrangements with  
4 the civil aviation authorities, or other appropriate officials,  
5 of foreign countries to ensure that inspections are con-  
6 ducted on a regular basis at shipping facilities for cargo  
7 transported in air transportation to the United States.”.

8 (c) CONFORMING AMENDMENT.—The chapter anal-  
9 ysis for chapter 449 is amended by adding at the end the  
10 following:

“44921. Regular inspections of air cargo shipping facilities”.

11 **SEC. 203. CARGO CARRIED ABOARD PASSENGER AIRCRAFT.**

12 (a) IN GENERAL.—Subchapter I of chapter 449, is  
13 further amended by adding at the end the following:

14 **“§ 44922. Air cargo security**

15 “(a) DATABASE.—The Under Secretary of Transpor-  
16 tation for Security shall establish an industry-wide data-  
17 base of known shippers of cargo that is to be transported  
18 in passenger aircraft operated by an air carrier or foreign  
19 air carrier in air transportation or intrastate air transpor-  
20 tation. The Under Secretary shall use the database to im-  
21 prove the known shipper program.

22 “(b) INDIRECT AIR CARRIERS.—

23 “(1) RANDOM INSPECTIONS.—The Under Sec-  
24 retary shall conduct random audits, investigations,  
25 and inspections of indirect air carrier facilities to de-

1        termine if the indirect air carriers are meeting the  
2        security requirements of this title.

3           “(2) NOTICE OF FAILURES.—The Under Sec-  
4        retary shall notify the Secretary of Transportation  
5        of any indirect air carrier that fails to meet security  
6        standards established under this title.

7           “(3) SUSPENSION OR REVOCATION OF CERTIFI-  
8        CATE.—The Secretary, as appropriate, shall suspend  
9        or revoke any certificate issued under chapter 411 to  
10       an indirect air carrier immediately upon the rec-  
11       ommendation of the Under Secretary. Any indirect  
12       air carrier whose certificate is suspended or revoked  
13       under this subparagraph may appeal the suspension  
14       or revocation in accordance with procedures estab-  
15       lished under this title for the appeal of suspensions  
16       and revocations.

17           “(4) INDIRECT AIR CARRIER.—In this sub-  
18       section, the term ‘indirect air carrier’ has the mean-  
19       ing given that term in part 109 of title 14, Code of  
20       Federal Regulations.”.

21        (b) ASSESSMENT OF INDIRECT AIR CARRIER PRO-  
22       GRAM.—The Under Secretary of Transportation for Secu-  
23       rity shall assess the security aspects of the indirect air  
24       carrier program under part 109 of title 14, Code of Fed-  
25       eral Regulations, and report the result of the assessment,



1 together with any recommendations for necessary modi-  
2 fications of the program to the Senate Committee on Com-  
3 merce, Science, and Transportation and the House of Rep-  
4 resentatives Committee on Transportation and Infrastruc-  
5 ture within 45 days after the date of enactment of this  
6 Act. The Under Secretary may submit the report and rec-  
7 ommendations in classified form.

8 (c) REPORT TO CONGRESS ON RANDOM AUDITS.—  
9 The Under Secretary of Transportation for Security shall  
10 report to the Senate Committee on Commerce, Science,  
11 and Transportation and the House of Representatives  
12 Committee on Transportation and Infrastructure on ran-  
13 dom screening, audits, and investigations of air cargo se-  
14 curity programs based on threat assessments and other  
15 relevant information. The report may be submitted in clas-  
16 sified form.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated to the Secretary of  
19 Transportation such sums as may be necessary to carry  
20 out this section.

21 (e) CONFORMING AMENDMENT.—The chapter anal-  
22 ysis for chapter 449, as amended by section 202, is  
23 amended by adding at the end the following:

“44922. Air cargo security”.

1   **SEC. 204. TRAINING PROGRAM FOR CARGO HANDLERS.**

2       The Under Secretary of Transportation for Security  
3 shall establish a training program for any persons that  
4 handle air cargo to ensure that the cargo is properly han-  
5 dled and safe-guarded from security breaches.

6   **SEC. 205. CARGO CARRIED ABOARD ALL-CARGO AIRCRAFT.**

7       (a) IN GENERAL.—The Under Secretary of Trans-  
8 portation for Security shall establish a program requiring  
9 that air carriers operating all-cargo aircraft have an ap-  
10 proved plan for the security of their air operations area,  
11 the cargo placed aboard such aircraft, and persons having  
12 access to their aircraft on the ground or in flight.

13       (b) PLAN REQUIREMENTS.—The plan shall include  
14 provisions for—

15           (1) security of each carrier's air operations  
16 areas and cargo acceptance areas at the airports  
17 served;

18           (2) background security checks for all employ-  
19 ees with access to the air operations area;

20           (3) appropriate training for all employees and  
21 contractors with security responsibilities;

22           (4) appropriate screening of all flight crews and  
23 persons transported aboard all-cargo aircraft;

24           (5) security procedures for cargo placed on all-  
25 cargo aircraft as provided in section 44901(f) of title  
26 49, United States Code; and

1 (6) additional measures deemed necessary and  
2 appropriate by the Under Secretary.

3 (c) CONFIDENTIAL INDUSTRY REVIEW AND COM-  
4 MENT.—

5 (1) CIRCULATION OF PROPOSED PROGRAM.—

6 The Under Secretary shall—

7 (A) propose a program under subsection  
8 (a) within 90 days after the date of enactment  
9 of this Act; and

10 (B) distribute the proposed program, on a  
11 confidential basis, to those air carriers and  
12 other employers to which the program will  
13 apply.

14 (2) COMMENT PERIOD.—Any person to which  
15 the proposed program is distributed under para-  
16 graph (1) may provide comments on the proposed  
17 program to the Under Secretary not more than 60  
18 days after it was received.

19 (3) FINAL PROGRAM.—The Under Secretary of  
20 Transportation shall issue a final program under  
21 subsection (a) not later than 45 days after the last  
22 date on which comments may be provided under  
23 paragraph (2). The final program shall contain time  
24 frames for the plans to be implemented by each air  
25 carrier or employer to which it applies.

1 (4) SUSPENSION OF PROCEDURAL NORMS.—  
2 Neither chapter 5 of title 5, United States Code, nor  
3 the Federal Advisory Committee Act (5 U.S.C.  
4 App.) shall apply to the program required by this  
5 section.

6 **TITLE III—PASSENGER**  
7 **IDENTIFICATION**

8 **SEC. 301. PASSENGER IDENTIFICATION.**

9 (a) IN GENERAL.—Subchapter I of chapter 449, as  
10 amended by title II of this Act, is further amended by  
11 adding at the end the following:

12 **“§ 44923. Passenger identification**

13 “(a) IN GENERAL.—Not later than 180 days after  
14 the date of enactment of the Aviation Security Improve-  
15 ment Act, the Under Secretary of Transportation for Se-  
16 curity, in consultation with the Administrator of the Fed-  
17 eral Aviation Administration, appropriate law enforce-  
18 ment, security, and terrorism experts, representatives of  
19 air carriers and labor organizations representing individ-  
20 uals employed in commercial aviation, shall develop proto-  
21 cols to provide guidance for detection of false or fraudu-  
22 lent passenger identification. The protocols may consider  
23 new technology, current identification measures, and  
24 issues related to the types of identification available to the  
25 public.

1       “(b) AIR CARRIER PROGRAMS.—Within 60 days after  
2 the Under Secretary issues the protocols under subsection  
3 (a) in final form, the Under Secretary shall provide them  
4 to each air carrier. The Under Secretary shall establish  
5 a joint government and industry council to develop rec-  
6 ommendations on how to implement the protocols. The  
7 Under Secretary shall report to the Senate Committee on  
8 Commerce, Science, and Transportation and the House of  
9 Representatives Committee on Transportation and Infra-  
10 structure within 1 year after the date of enactment of the  
11 Aviation Security Improvement Act on the actions taken  
12 under this section.”.

13       (b) CONFORMING AMENDMENT.—The chapter anal-  
14 ysis for chapter 449, is amended by adding at the end  
15 the following:

“44923. Passenger identification”.

16 **SEC. 302. PASSENGER IDENTIFICATION VERIFICATION.**

17       (a) REQUIREMENT.—Subchapter I of chapter 449, is  
18 further amended by adding at the end the following:

19 **“§ 44924. Passenger identification verification**

20       “(a) PROGRAM REQUIRED.—The Under Secretary of  
21 Transportation for Security may establish and carry out  
22 a program to require the installation and use at airports  
23 in the United States of such identification verification  
24 technologies as the Under Secretary considers appropriate

1 to assist in the screening of passengers boarding aircraft  
2 at such airports.

3 “(b) TECHNOLOGIES EMPLOYED.—The identification  
4 verification technologies required as part of the program  
5 under subsection (a) may include identification scanners,  
6 biometrics, retinal or facial scanners, or any other tech-  
7 nologies that the Under Secretary considers appropriate  
8 for purposes of the program.

9 “(c) COMMENCEMENT.—If the Under Secretary de-  
10 termines that the implementation of such a program is  
11 appropriate, the installation and use of identification  
12 verification technologies under the program shall com-  
13 mence as soon as practicable after the date of that deter-  
14 mination.”.

15 (b) CONFORMING AMENDMENT.—The chapter anal-  
16 ysis for chapter 449, is amended by adding at the end  
17 the following:

“44924. Passenger identification verification”.

18 **TITLE IV—CIRCUMVENTION OF**  
19 **AIRPORT SECURITY**

20 **SEC. 401. PROHIBITION ON UNAUTHORIZED CIRCUMVEN-**  
21 **TION OF AIRPORT SECURITY SYSTEMS AND**  
22 **PROCEDURES.**

23 (a) PROHIBITION.—Section 46503 is amended—

1           (1) by inserting “(a) INTERFERENCE WITH SE-  
2       CURITY SCREENING PERSONNEL.—” before “An in-  
3       dividual”; and

4           (2) by adding at the end the following new sub-  
5       section:

6       “(b) UNAUTHORIZED CIRCUMVENTION OF SECURITY  
7       SYSTEMS AND PROCEDURES.—An individual in an area  
8       within a commercial service airport in the United States  
9       who intentionally circumvents, in an unauthorized man-  
10      ner, a security system or procedure in the airport shall  
11      be fined under title 18, imprisoned for not more than 10  
12      years, or both.”.

13       (b) CONFORMING AND CLERICAL AMENDMENTS.—

14           (1) The section heading of that section is  
15       amended to read as follows:

16      **“§46503. Interference with security screening per-**  
17                      **sonnel; unauthorized circumvention of**  
18                      **security systems or procedures”.**

19           (2) The item relating to that section in the  
20       table of sections at the beginning of chapter 465 is  
21       amended to read as follows:

      “46503. Interference with security screening personnel; unauthorized circumven-  
          tion of security systems or procedures”.

1   **TITLE V—WAR RISK INSURANCE**

2   **SEC. 501. WAR RISK INSURANCE FOR CERTAIN AIRCRAFT.**

3       Section 44302 is amended by adding at the end the  
4 following:

5       “(f) WAR RISK INSURANCE.—

6           “(1) IN GENERAL.—Not later than 30 days  
7 after the date of enactment of the Aviation Security  
8 Improvement Act, the Secretary shall—

9           “(A) extend for 270 days from such date  
10 of enactment the termination date of any avia-  
11 tion war risk insurance policies the Department  
12 issued that were in effect on such date of enact-  
13 ment on terms that are no less favorable than  
14 the terms of those policies as the policies were  
15 in effect on June 19, 2002; and

16           “(B) offer to amend each policy the term  
17 of which is extended to provide coverage for  
18 losses or injuries to hull, passengers, and crew,  
19 in addition to coverage for injury to third par-  
20 ties (with respect to both persons and prop-  
21 erty), on such terms and conditions as the Sec-  
22 retary may prescribe, at an additional premium  
23 comparable to the premium charged for the  
24 third-party casualty coverage under existing  
25 policies.



1           “(2) REPORT.—Not later than 90 days after  
2           the date of enactment of the Aviation Security Im-  
3           provement Act, the Secretary shall transmit to the  
4           Committee on Commerce, Science, and Transpor-  
5           tation of the Senate and the Committee on Trans-  
6           portation and Infrastructure of the House of Rep-  
7           resentatives a report that—

8                   “(A) evaluates the availability of war risk  
9                   insurance for air carriers and other aviation en-  
10                  tities for passengers and third parties;

11                  “(B) analyzes the economic effect upon air  
12                  carriers and other aviation entities of available  
13                  war risk insurance; and

14                  “(C) describes the manner in which the  
15                  Department could provide an alternative means  
16                  of providing aviation war risk reinsurance cov-  
17                  ering passengers, crew, and third parties  
18                  through use of a risk-retention group or by  
19                  other means.”.

1 **TITLE VI—BLAST RESISTANT**  
2 **CARGO CONTAINER TECH-**  
3 **NOLOGY**

4 **SEC. 601. BLAST-RESISTANT CARGO CONTAINER TECH-**  
5 **NOLOGY.**

6 Not later than 6 months after the date of enactment  
7 of this Act, the Under Secretary of Transportation for Se-  
8 curity, and the Administrator of the Federal Aviation Ad-  
9 ministration, shall jointly submit a report to Congress  
10 that—

11 (1) evaluates blast-resistant cargo container  
12 technology to protect against explosives in passenger  
13 luggage and cargo;

14 (2) examines the advantages associated with  
15 this technology in preventing the damage and loss of  
16 aircraft from terrorist action, any operational im-  
17 pacts which may result (particularly added weight  
18 and costs) and whether alternatives exist to mitigate  
19 such impacts, and options available to pay for this  
20 technology; and

21 (3) provides recommendations on what further  
22 action, if any, should be taken with respect to the  
23 use of blast-resistant cargo containers on passenger  
24 aircraft.

1                   **TITLE VII—TECHNICAL**  
2                   **CORRECTIONS**

3   **SEC. 701. TECHNICAL CORRECTIONS.**

4           (a) Section 114(j)(1)(D) is amended by inserting  
5   “Under” before “Secretary”.

6           (b) Section 115(c)(1) is amended—

7               (1) by striking “and ratify or disapprove”; and

8               (2) by striking “security” the second place it  
9   appears and inserting “Security”.

10          (c) Section 40109(b) is amended by striking  
11   “40103(b)(1) and (2), 40119, 44901, 44903, 44906, and  
12   44935—44937” and inserting “40103(b)(1) and (2) and  
13   40119”.

14          (d) Section 44901(a) is amended by inserting “or, in  
15   the case of United States mail, by an officer or employee  
16   of the United States Postal Service under standards and  
17   procedures established by the Under Secretary,” after “  
18   Code),”.

19          (e) Section 44901(e) is amended by striking “sub-  
20   section (b)(1)(A)” and inserting “subsection (d)(1)(A)”.

21          (f) Section 44901(g)(2) is amended by striking “Ex-  
22   cept at airports required to enter into agreements under  
23   subsection (c), the” and inserting “The”.

24          (g) Section 44903 is amended—

1 (1) by striking “Administrator” in subsection  
2 (c)(3) and inserting “Under Secretary”; and

3 (2) by redesignating the second subsection (h),  
4 subsection (i), and the third subsection (h) as sub-  
5 sections (i), (j), and (k), respectively.

6 (h) Section 44909 is amended—

7 (1) by striking “Not later than March 16,  
8 1991, the” in subsection (a)(1) and inserting “The”;  
9 and

10 (2) by inserting “of Transportation for Secu-  
11 rity” after “Under Secretary” in subsection  
12 (c)(2)(F).

13 (i) Section 44935 is amended—

14 (1) by striking “States;” in subsection  
15 (e)(2)(A)(ii) and inserting “States or a national of  
16 the United States, as defined in section 1101(a)(22)  
17 of the Immigration and Nationality Act (8 U.S.C.  
18 1101(a)(22));”; and

19 (2) by redesignating the second subsection (i)  
20 as subsection (k).

21 (j) Section 44936(a)(1)(A) is amended by striking  
22 “Transportation Security,” and inserting “Security,”.

23 (k) Section 44939(a) is amended by striking “12,500  
24 pounds or more” and inserting “more than 12,500  
25 pounds”.

1 (l) Section 132(a) of the Aviation and Transportation  
2 Security Act is amended by striking “12,500 pounds or  
3 more” and inserting “more than 12,500 pounds”.

4 (m) Section 44940 is amended—

5 (1) by striking “Federal law enforcement per-  
6 sonnel pursuant to section 44903(h).” in subsection  
7 (a)(1)(G) and inserting “law enforcement personnel  
8 pursuant to this title.”;

9 (2) by inserting “FOR” after “RULES” in the  
10 caption of subsection (d)(2); and

11 (3) by striking subsection (d)(4) and inserting  
12 the following:

13 “(4) FEE COLLECTION.—Fees may be collected  
14 under this section as provided in advance in appro-  
15 priations Acts.”.

16 (n) Section 46301(a) is amended by adding at the  
17 end the following:

18 “(8) AVIATION SECURITY VIOLATIONS.—Not-  
19 withstanding paragraphs (1) and (2) of this sub-  
20 section, the maximum civil penalty for violating  
21 chapter 449 or another requirement under this title  
22 administered by the Under Secretary of Transpor-  
23 tation for Security is \$10,000, except that the max-  
24 imum civil penalty is \$25,000 in the case of a person  
25 operating an aircraft for the transportation of pas-

1       sengers or property for compensation (except an air-  
2       man serving as an airman).”.

3       (o) Section 46301(d)(2) is amended—

4           (1) by striking “46302, 46303,” in the first  
5       sentence;

6           (2) by striking the second sentence and insert-  
7       ing “The Under Secretary of Transportation for Se-  
8       curity may impose a civil penalty for a violation of  
9       section 114(l), section 40113, 40119, chapter 449  
10      (except sections 44902, 44903(d), 44907(a)—  
11      (d)(1)(A), 44907(d)(1)(C)—(F), 44908, and  
12      44909), section 46302, 46303, or 46318 of this title,  
13      or a regulation prescribed or order issued under any  
14      of those provisions.

15      (p) Section 46301(g) is amended by striking “Sec-  
16      retary” and inserting “Secretary, the Under Secretary of  
17      Transportation for Security,”.

18      (q) Chapter 465 is amended—

19           (1) by striking “**screening**” in the caption of  
20      section 46503; and

21           (2) by striking “screening” in the item relating  
22      to section 46503 in the chapter analysis.

23      (r) Section 47115(i) is amended by striking “non-fed-  
24      eral” each place it appears and inserting “non-Federal”.

1 (s) Section 48107 is amended by striking “section  
2 44912(a)(4)(A)” and inserting “section 44912(a)(5)(A)”.

3 (t) Sections 44903(i)(1), 44942(b), 44943(a), and  
4 44943(c) are each amended by striking “Under Secretary  
5 for Transportation Security” each place it appears and in-  
6 serting “Under Secretary”.

7 (u) Sections 44942(a)(1), 44943(a), and 44944(a)(1)  
8 are each amended by striking “Under Secretary for Trans-  
9 portation Security” and inserting “Under Secretary of  
10 Transportation for Security”.

11 (v) Subparagraphs (B) and (C) of section  
12 44936(a)(1) are each amended by striking “Under Sec-  
13 retary of Transportation for Transportation Security” and  
14 inserting “Under Secretary”.

15 (w) Section 44943(c) is amended by inserting “and  
16 Transportation” after “Aviation”.

17 (x) Section 44942(b) is amended—

18 (1) by striking “(1) PERFORMANCE PLAN AND  
19 REPORT.—”;

20 (2) redesignating subparagraphs (A) and (B) as  
21 paragraphs (1) and (2), respectively; and

22 (3) redesignating clauses (i) and (ii) of para-  
23 graph (1), as redesignated, as subparagraphs (A)  
24 and (B), respectively.

1       (y) The chapter analysis for chapter 449 is amended  
2 by inserting after the item relating to section 44941 the  
3 following:

“44942. Performance goals and objectives  
“44943. Performance management plans”.

4       (z) Section 106(b)(2)(B) of the Aviation and Trans-  
5 portation Security Act is amended by inserting “Under”  
6 before “Secretary”.

7       (aa) Section 119(c) of the Aviation and Transpor-  
8 tation Security Act is amended by striking “47192(3)(j)”  
9 and inserting “47102(3)(J)”.

10       (bb) Section 44936 is amended by adding at the end  
11 the following:

12       “(f) PROTECTION OF PRIVACY OF APPLICANTS AND  
13 EMPLOYEES.—The Under Secretary shall formulate and  
14 implement procedures that are designed to prevent the  
15 transmission of information not relevant to an applicant’s  
16 or employee’s qualifications for unescorted access to se-  
17 cure areas of an airport when that applicant or employee  
18 is undergoing a criminal history records check.”.

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